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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/885,231

06/19/2001

Michael O'Connor

42390P10707

4421

21906

7590

03/18/2003

TROP PRUNER & HU, PC  
8554 KATY FREEWAY  
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HOUSTON, TX 77024

EXAMINER

ESPLIN, DAVID B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/885,231

Applicant(s)

O'CONNOR ET AL.

Examiner

D. Ben Esplin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33,48-51 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19,29-33,48-51 and 55 is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

The finality of the previous Office Action is withdrawn and prosecution of the subject application is hereby re-opened.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plate polarizers included in the first and second means for inserting content must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 21, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,309,071 to Huang et al.

FIG. 3 of Huang shows an apparatus including a means for substantially separating (polarizing beam splitter 122), a first means for inserting content including LCD panels 130 and 132, means for switching (color filter switch 158), and a first polarization beam splitter (polarizing beam splitter 128), a second means for inserting content including LCD panels 148 and 150, means for switching (color filter switch (156), and a second polarization beam splitter (polarizing beam splitter 146), and a means for combining (polarizing beam splitter 138). Huang further discloses that the means for switching switches between the colors of cyan and yellow (col. 5 lines 37-38), which effectively switches the color components from green to blue (col. 5 lines 39-44).

Claims 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by 6,407,766 to Ramanujan et al.

FIG. 3 of Ramanujan shows an apparatus including means for substantially separating (polarizing beamsplitter 80), a first means for inserting content including a three color switch (LCD 90) and means for switching (color filter 85), a second means for inserting content including a three color switch (LCD 95) and means for switching (color filter 87), and a means for combining (polarizing beamsplitter 80).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang as applied to claims 20, 21, and 23-25 above, and further in view of u.s. 5,982,541 to Li et al.

Although the first and second inserting means of Huang includes beam splitting cubes, and not plate polarizers, Li teaches that the use of plate polarizers as polarizing beam splitters was well known in the art. Therefore, it would have been obvious to replace the polarization beam splitters of the apparatus of Huang with plate polarizers as an art recognized equivalent.

*Allowable Subject Matter*

Claims 1-19, 29-33, 48-51, and 55 are allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claims 1-19, the element of two light engine kernels patterning light in two separate color spaces is not found in the prior art.

Regarding claims 29-33, the generating of two separate images with the two light engine kernels that receive light from a polarization separation means for creating a 3-D image is not suggested in the prior art.

Concerning claims 48-50, the tiling of the images provided by the two separate light kernels, patterning light from the same source and separated by a polarization separation means is not shown or taught in the prior art.

Further referring to claims 51 and 55, the inclusion in each of the light engine kernels of a switching means, a single modulation means and a polarization beam splitting means together

with a light polarization means and a light recombination means within a projection apparatus is not found in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



DBE  
March 10, 2003



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